

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

Elite Precision Customs LLC, *et al.*,
Plaintiffs,

v.

The Bureau of Alcohol, Tobacco,
Firearms and Explosives, *et al.*,
Defendants.

§
§
§
§
§
§
§
§

Case No. 4:25-cv-00044

MOTION TO WAIVE IN PERSON MEETING REQUIREMENT

TO THE HONORABLE MARK T. PITTMAN, U.S. DISTRICT JUDGE:

All Plaintiffs and Defendants in the above-captioned matter jointly move this Court to waive the requirement that the Parties confer in person before April 25, 2025 as they prepare a Joint Report in compliance with this Court's Order. *See* Order, Doc. 26 (April 11, 2025). In support of this motion, the Parties state as follows:

1. This case presents a pre-enforcement challenge to a set of federal laws that ban the direct, in-person transfer of handguns to out of state residents. Plaintiffs seek to have these laws declared invalid and their enforcement enjoined.
2. Given the nature of the issues in dispute, all Parties agree that the case is not amenable to settlement at this time, barring changes to the Government's position following the Attorney General's review of the Government's position. *See* Defs. Mot. for an Ext. of Time, Doc. 23 (March 17, 2025).

3. Counsel have conferred by phone and over email and are preparing a Joint Report requesting that the Court enter the following schedule to resolve this case quickly and efficiently:
 - a. Defendants' Motion to Dismiss: May 5, 2025
 - b. Plaintiffs' Opposition & Cross Motion for Summary Judgment: June 9, 2025
 - c. Defendants' Response & Reply: July 14, 2025
 - d. Plaintiffs' Reply: July 29, 2025
4. In view of the unlikelihood of resolution through settlement, and the fact that the Parties have agreed to the above schedule with respect to dispositive motions, the Parties respectfully request that the Court waive the requirement that the parties confer in person before April 25, 2025, and, upon filing of the Joint Report, enter the proposed briefing schedule. *See* Order, Doc. 26 (April 11, 2025).

Dated: April 22, 2025

Respectfully submitted,

By: /s/ David H. Thompson

David H. Thompson*

Peter A. Patterson*

William V. Bergstrom*

COOPER & KIRK, PLLC

1523 New Hampshire Avenue, N.W.

Washington, D.C. 20036

(202) 220-9600

(202) 220-9601 (fax)

dthompson@cooperkirk.com

ppatterson@cooperkirk.com

wbergstrom@cooperkirk.com

Cody J. Wisniewski*

FPC ACTION FOUNDATION

5550 Painted Mirage Road, Suite 320

Las Vegas, NV 89149

Telephone: (615) 955-4306

Telecopy: (615) 334-0463

cwi@fpcafhq.org

R. Brent Cooper
Texas Bar No. 04783250
COOPER & SCULLY, P.C.
900 Jackson Street, Suite 100
Dallas, Texas 75202
Telephone: (214) 712-9500
Telecopy: (214) 712-9540

Counsel for Plaintiffs
* Admitted *pro hac vice*

AGREED AS TO FORM AND SUBSTANCE
YAAKOV M. ROTH
Acting Assistant Attorney General
Civil Division

ANDREW I. WARDEN
Assistant Branch Director

/s/ Samuel Bean
SAMUEL BEAN (MD)
Trial Attorney
U.S. Department of Justice
Civil Division, Federal Programs Branch
P.O. Box 883
Ben Franklin Station
Washington, D.C. 20044
Tel: (202) 455-9619
Samuel.B.Bean2@usdoj.gov

Counsel for Defendants

CERTIFICATE OF CONFERENCE

On April 22, 2025, counsel for the parties conferred via email and telephone on the filing of this motion. Both parties agreed to join the motion, which is therefore unopposed.

/s/ David. H. Thompson

David H. Thompson

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

On April 22, 2025, a true and correct copy of the foregoing document was served via the Court's CM/ECF system on all counsel of record.

/s/ David. H. Thompson

David H. Thompson

Counsel for Plaintiffs